

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/603,727
		Filing Date	June 23, 2000
		First Named Inventor	Lee W. MUELLER
		Art Unit	3627
		Examiner Name	WENDELL, Mark R.
Total Number of Pages in This Submission	21	Attorney Docket Number	SST-1070

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Transmittal Form (2 pp) <input checked="" type="checkbox"/> Fee Attached Check No.  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Documents  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input checked="" type="checkbox"/> Petition (5 pp) <input checked="" type="checkbox"/> Statement by Charles R. Cypher (1 pg) <input checked="" type="checkbox"/> Return Receipt Post Card <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Other Encls.</b> Copies the following documents dated and filed with the USPTO on September 11, 2008: Express Mail Label No. EV939520063 US; USPS postal sales receipt; RRPC stamped by USPTO; Credit Card Authorization Form; Amendment and Response to Office Action (12 pgs); Terminal Disclaimer (1 pg).		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Law Offices of James R. Cypher		
Signature			
Printed name	Charles R. Cypher		
Date	November 21, 2008	Reg. No.	41,694

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
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**EV 939 520 094 1**



Statement by Charles R. Cypher  
in Support of Petition Under 37 CFR §1.10(e)

I, Charles R. Cypher, personally deposited the Amendment and Response to Office Action and the papers accompanying that document on September 11, 2008, with an employee of the United States Postal Service as Express Mail Post Office to Addresses Service.

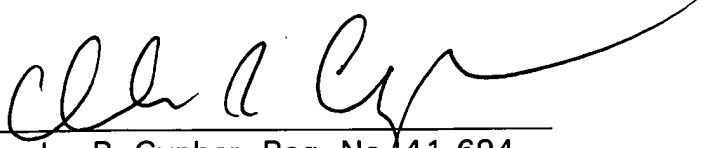
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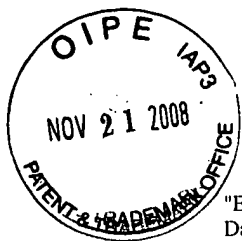
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I, Charles R. Cypher, having been duly warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document or the instant application, I hereby declare that the facts set forth herein are true; that all statements made of my own knowledge are true; and that all statements made on information and belief are believed to be true.

Date: November 21, 2008

Signature:

  
Charles R. Cypher, Reg. No. 41,694



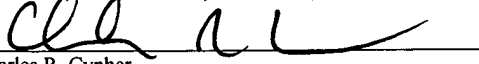
11-24-07

USSN: 09/603,727  
Attorney Docket: SST-1070

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Charles R. Cypher

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Inventor: Lee W. MUELLER  
Assignee: Simpson Strong-Tie Company, Inc.  
Title: PRE-ASSEMBLED INTERNAL SHEAR PANEL  
Serial No.: 09/603,727  
Filed: June 23, 2000  
Group Art: 3627  
Examiner: WENDELL, Mark R.  
Docket No.: SST-1070

### PETITION TO WITHDRAW HOLDING OF ABANDONMENT (UNDER 37 C.F.R. § 1.181)

### PETITION TO ACCORD FILING DATE FOR EXPRESS MAIL CORRESPONDENCE RECEIVED BY P.T.O. (UNDER 37 C.F.R. § 1.10(e))

Mail Stop Petition  
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11/24/2008 LNGUYEN1 00000035 09603727

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Dear Sir:

Applicant hereby petitions to withdraw the holding of abandonment that has been imposed in this case. The fee for the petition under 37 CFR 1.181, as stated in 37 CFR 1.17(f) of \$400.00 is enclosed herewith. Applicant hereby also petitions to have the Patent Office accord the filing date for Applicant's correspondence filed on September 11, 2008 by Express Mail. Applicant believes that no fee for the petition under 37 CFR 1.10(e) is required. If this belief is in error, or the fees have been amended without Applicant's knowledge, Applicant authorizes the Commissioner to pay any

**EV 939 520 094**

underpayment of fees or pay any additional fees that may be required by this paper by withdrawing them from Deposit Account No. 03-4075.

PETITION TO REMOVE HOLDING OF ABANDONMENT

UNDER 37 C.F.R. §§ 1.181 and 1.182

A Notice of Abandonment for this case was mailed September 22, 2008. This paper with these petitions is being filed within two months of receipt of the Notice.

Applicant's last communication to the Patent Office in this file was sent September 11, 2008. Applicant's communication on September 11, 2008 was an Amendment and Response to Office Action, which was filed in response to the Office Action, mailed March 11, 2008.

The Notice of Abandonment states that the application has been abandoned because of "Applicant's failure to timely file a proper reply to the Office letter mailed on 11 March 2008."

Applicant believes that it is improper to issue a Notice of Abandonment on this basis. Applicant did timely file a response to the Office Action of March 11, 2008, paying the required extension fees; and authorizing the Commissioner to pay any underpayment of fees to Deposit Account No. 03-4075.

Applicant respectfully requests that the Patent Office, on the basis of this petition, withdraw its holding of abandonment and accept and process the amendment.

PETITION TO ACCORD FILING DATE FOR EXPRESS MAIL

CORRESPONDENCE RECEIVED BY P.T.O. (UNDER 37 C.F.R. § 1.10(e))

This application should still be pending as a Response was timely filed on September 11, 2008. The Response was mailed by the United States Postal Service utilizing its Express Mail service on September 11, 2008. Applicant respectfully requests that the Patent Office acknowledge that these documents were received on September 11, 2008.

Applicant believes that the papers submitted by Express Mail Service on September 11, 2008, have not been received because Applicant has received a Notice of Abandonment in this case. Applicant received the Notice of Abandonment on September 24, 2008. This petition is being filed promptly thereafter. 37 C.F.R. § 1.10(e)(1).

The following attached papers are those required by 37 C.F.R. § 1.10(e):

1. A true copy of the originally-deposited papers and fees: the Response. The copies of the Response show that the Express Mail label was indicated on each paper.

2. A true copy of the returned Post Card showing receipt of these papers by the P.T.O.
3. A true copy of the "Express Mail" mailing label showing the "date-in."
4. A true copy of the postal receipt for the Express Mailing, showing the date of deposit.
5. A statement by Charles R. Cypher on the basis of personal knowledge that the correspondence was originally deposited with the United States Postal Service on September 11, 2008, and that the attached copies are true copies of that correspondence and the mailing label accurately reflects the date of the filing of the correspondence.

In consideration of these submissions and explanations, it is respectfully requested that the holding of abandonment be withdrawn, and that the application proceed to examination on the basis of the Resposne filed on September 11, 2008.

I, Charles R. Cypher, having been duly warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document or the instant application, I hereby declare that I am authorized to execute this document; that the facts set forth herein are true; that all statements made of my own knowledge are true; and that all statements made on information and belief are believed to be true.

Date: November 21 , 2008

Signature: \_\_\_\_\_



Charles R. Cypher, Reg. No. 41,694  
Law Offices of James R. Cypher  
405 -14th St., Suite 1607  
Oakland, CA 94612-2747  
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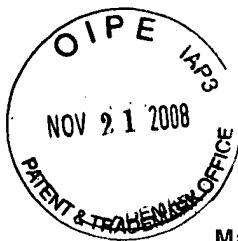
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EV939520063US

Att'y File No. SST/1070

First Inventor: Mueller, Lee W.

SN: 09/603,727

FD: June 23, 2000

Title: PRE-ASSEMBLED INTERNAL SHEAR PANEL

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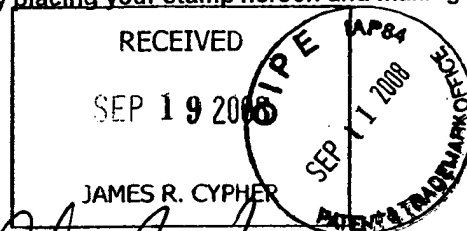
**CONTENTS:**

Amendment & Request for Extension of  
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Date of Deposit: September 11, 2008

James R. Cypher, 405 14th St., Suite 1607, Oakland, CA 94612-2747

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